

ESTTA Tracking number: **ESTTA469970**

Filing date: **04/30/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Application Serial No.	85170784 85981391
Applicant	EBIP, LLC

Notice of Appeal

Notice is hereby given that EBIP, LLC appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 85170784.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 003.
All goods and services in the class are appealed, namely: Body and beauty care cosmetics; Cosmetic creams; Cosmetic preparations; Cosmetics; Make-up; Make-up for the face and body
- Class 014.
All goods and services in the class are appealed, namely: Jewelry; Key chains as jewellery; Pendants; Watches
- Class 025.
All goods and services in the class are appealed, namely: Belts; Jackets; Pants; Shorts; Skirts; T-shirts; Tops; Undergarments

Respectfully submitted,
/Nancy V. Stephens/
04/30/2012

Nancy V. Stephens

Attorney

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DH

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: February 27, 2014

In re EBIP, LLC

Serial No. 85170784

Filed: 11/5/2010

NANCY V STEPHENS
FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WA 98101-3299

Eric McWilliams, Supervisory Paralegal:

Applicant's request for remand, request to divide and suspend, dated January 31, 2014 is noted. Applicant requests that the Board remand its appeal for the processing of the request to divide and then seeks suspension of the newly created child application (for Class 3) pending the possible cancellation of Registration No. 3453516, which was cited as a bar to applicant's registration under 2(d).

While the Board does not find sufficient cause to remand the application at this time, proceedings in the appeal are suspended and the application is forwarded to the Intent to Use Branch of the Office, for consideration of the request to divide Class 3 from the application.

When processing of the request to divide is completed, the Board should be so informed so appropriate action may be taken on the "parent" and the newly created "child" cases.¹

¹ When the parent and newly created child applications are returned to the Board, the Board will review the child application for possible suspension pending cancellation of the cited registration. The parent application will be reviewed for resumption of the appeal.

ESTTA Tracking number: **ESTTA584860**

Filing date: **01/31/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85170784
Applicant	EBIP, LLC
Applied for Mark	ALLTHATGLITTERS21
Correspondence Address	NANCY V STEPHENS FOSTER PEPPER PLLC 1111 THIRD AVENUE, SUITE 3400 SEATTLE, WA 98101-3299 UNITED STATES stepn@foster.com
Submission	Applicants Request for Remand and Amendment
Attachments	SEADOCS- #51126101-v1A-Motion_to_Suspend_Time_for_Filing_Appeal_Brief.pdf(16472 bytes)
Filer's Name	Nancy V. Stephens
Filer's e-mail	stepn@foster.com
Signature	/Nancy V. Stephens/
Date	01/31/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD\

APPLICANT:	EBIP, LLC)	Trademark Attorney:
)	Karen Bracey
MARK:	ALLTHATGLITTERS21)	
)	Law Office 116
SERIAL NO.:	85170784)	
)	
DATE FILED:	November 5, 2010)	
)	

MOTION TO AMEND AND REMAND TO EXAMINING ATTORNEY AND SUSPEND IN PART

The Applicant requests that Application No. 85170784 be divided to remove the Class 3 goods to a second (or “child”) application. The Applicant is aware that a fee will be required for the division and asks that such fee be charged to its Deposit Account No. 06-1629.

The Application was refused based on a likelihood of confusion with Registration Nos. 3169868, 3266109 and 3453516. Registration Nos 3169868 and 3266109 are now cancelled. (Registration No. 3266109 is still listed as “active” on the USPTO database but the Registrant’s Sec. 8 filing was due July 17, 2013 and the 6 month grace period ended January 17, 2014.) The Applicant requests that it’s Application covering classes 14, 25, 41, 44 and 45 be remanded to the Examining Attorney and that the 2(d) refusal based Registrations Nos 3169868 and 3266109 be withdrawn.

The Section 8 filing period is currently open for cited Registration No. 3453516 and will end June 24 2014. The Applicant has reason to believe the mark is no longer in use and requests

that proceedings regarding its (“child”) Application covering class 3 be further suspended until June 25, 2014.

If further information is required, please let us know and we will supply the same.

Dated: January 31, 2014

Respectfully Submitted,

/Nancy V. Stephens/
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Attorneys for Applicant

To: EBIP, LLC (stepn@foster.com)
Subject: TRADEMARK APPLICATION NO. 85170784 - ALLTHATGLITTERS21 - 205849-1-1
Sent: 03/10/14 10:54:41 AM
Sent As: ecomitu@uspto.gov
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85170784



APPLICANT: EBIP, LLC

CORRESPONDENT'S ADDRESS:

NANCY V. STEPHENS
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1111 THIRD AVENUE STE 3400
SEATTLE, WA 98101 3299

MARK: ALLTHATGLITTERS21

CORRESPONDENT'S REFERENCE/DOCKET NO. 205849-1-1

CORRESPONDENT'S EMAIL ADDRESS:
stepn@foster.com

NOTICE OF DIVISIONAL REQUEST COMPLETED

ISSUE/MAILING DATE: 3/10/2014

U.S. Serial Number 85170784

The request to divide application serial no. 85170784 filed on February 28, 2014 has been processed as follows:

(1) Parent (original) application serial no. 85170784 contains the following goods and services in class(es): 14 Jewelry; Key chains as jewellery; Pendants; Watches; 25 Belts; Jackets; Pants; Shorts; Skirts; T-shirts; Tops; Undergarments; 41 Entertainment services namely, personal appearances by an internet personality; Production and distribution of videos in the field of fashion beauty, trends and style; 44 Providing a web site featuring photographic, audio, video and prose presentations featuring beauty information and where users may view and post comments in the field of beauty; 45 Providing a web site featuring photographic, audio, video and prose presentations featuring fashion and fashion trends and style and where users may view and post comments in the field of fashion.

(2) Child application serial no. 85981391 contains the following goods in class(es): 3 Body and beauty care cosmetics; Cosmetic creams; Cosmetic preparations; Cosmetics; Make-up; Make-up for the face and body.

37 C.F.R. §2.87; *see* TMEP §§1110 *et seq.*

The examining attorney will be notified of the completed request to divide. Please note that the filing of a request to divide an application is not considered a proper response to an examining attorney's Office action and does not relieve an applicant of the duty to respond to any outstanding Office action or to take any other required action. 37 C.F.R. §2.87(e); TMEP §1110.05.

Please call the undersigned with any questions.

/Antoinette Torregano/
Paralegal Specialist
Patent and Trademark Office

ITU/Divisional Unit
Telephone number 571 272-9514
Fax number 571 273-9514

NO RESPONSE TO THIS NOTICE IS REQUIRED.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Status and Document Retrieval (TSDR) at <http://tsdr.uspto.gov/>. Please keep a copy of the complete status screen. If TSDR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED ITU STAFF MEMBER IDENTIFIED ABOVE.